



EXTRAORDINARY

PART II—Section 3—Sub-section (i)

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MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 1st February 1963

G.S.R. 240.—In exercise of the powers conferred by section 3 of the Defence of India Act, 1962 (51 of 1962), the Central Government hereby makes the following rules further to amend the Defence of India Rules, 1962 (published with the Notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 1465, dated the 5th November, 1962), namely:—

1. These rules may be called the Defence of India (Third Amendment) Rules, 1963.

2. In clause (b) of sub-rule (6) of rule 30 of the Defence of India Rules, 1962 (hereinafter referred to as the said rules), for the words "may be extended", the words "may extend" shall be substituted.

3. After rule 30A of the said rules, the following rule shall be inserted, namely:—

"30-B. Release on parole.—(1) The Central Government or the State Government, as the case may be, may, by order, direct that any person detained in pursuance of an order under clause (b) of sub-rule (1) of rule 30 may be released for any specified period either without conditions or upon such conditions specified in the order as that person accepts, and may at any time, by order, cancel his release.

(2) In directing the release of any person under sub-rule (1), the Central Government or the State Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) Any person released under this rule shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in the order referred to in sub-rule (3), he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(5) If any person released under this rule fails to fulfil any of the conditions specified in the order directing his release or in the bond entered into by him, the bond shall be declared to be forfeited to Government and any person bound thereby shall be liable to pay the penalty thereof."

4. Rule 126A (relating to "Essential Services") of the said rules shall be relettered as rule 126AA and shall be deemed always to have been so relettered.

5. In rule 128 of the said rules,—

(a) sub-rule (3) shall be renumbered as sub-rule (6) and for sub-rule (2), the following sub-rules shall be substituted, namely:—

"(2) The appropriate authority may, for the purpose of facilitating the quick carriage of defence materials or supplies essential to the life of the community, or preventing or avoiding any undue congestion at railway premises, unload at destination any goods from wagons without any notice to the consignees and keep such goods in such places, whether covered or open, as may be feasible under the circumstances.

(3) The appropriate authority may, for the purpose of facilitating the quick carriage of defence materials or supplies essential to the life of the community, unload and detain at any intermediate station any goods or animals carried by railway and may sell them by public auction after giving fifteen days' notice of such auction to the person appearing to the appropriate authority to be entitled to the goods or animals, provided that in the case of perishable goods such notice shall be given only if practicable and may be for a period shorter than fifteen days.

(4) Out of the proceeds of the sale under sub-rule (3), the railway administration may retain a sum equal to the charge due to it in respect of the goods or animals and the expenses of and incidental to the sale, rendering the surplus, if any, of the proceeds to the person entitled thereto.

(5) The cost of the unloading, removal and custody of any goods under sub-rules (1) and (2) shall be recoverable from the consignee as an arrear of land revenue by the appropriate authority, which for the purpose of such recovery shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890 (1 of 1890).";

(b) after sub-rule (6) as so renumbered, the following sub-rule shall be inserted, namely:—

"(7) The provisions of sub-rules (2), (3) and (4) shall apply in such areas and for such periods as the Central Government may, by notified order, specify."

6. After rule 135 of the said rules, the following rule shall be inserted, namely:—

"135-A. *Prohibition against possession of military stores.*—(1) No person shall obtain or keep in his possession any article of 'military stores' which term shall include articles intended for use in the equipment of or for supply to the Naval, Military and Air Forces and any other Armed Forces of the Union, except when the article is issued to him lawfully in connection with the performance of his duty.

(2) If any person is found or is proved to have been in possession of any article of military stores he shall, if the Court sees reasonable grounds for believing such article to be or to have been the property of the Government, unless he proves that it came into his possession lawfully, be punishable with imprisonment for a term which may extend to five years, or with fine, or with both."

7. In sub-rule (1) of rule 148 of the said rules, for the words "defence of India civil defence", the words "defence of India and civil defence" shall be substituted.

8. In sub-rule (2) of rule 149 of the said rules, for the words "take such other order", the words "make such other order" shall be substituted.

[No. F. 3/2/63-Poll(Spl).]

HARI SHARMA, Additional Secy.